

KATE McKENNA, AICP
Executive Officer

MINUTES OF

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted April 24, 2006

Regular Meeting

Monday, February 27, 2006, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair Calcagno at 4:06 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Costello led the Pledge of Allegiance.

ROLL CALL

Members Present

Chair Calcagno (*County Member*)
Commissioner Caballero, Vice-Chair (*City Member*)
Commissioner Darington, Alternate (*Public Member*)
Commissioner DiMaggio (*Public Member*)
Commissioner Costello (*City Member*)
Commissioner Gourley, Alternate (*City Member*)
Commissioner McGowan (*Special District Member*)
Commissioner Perkins (*Special District Member*)
Commissioner Shirrel, Alternate (*Special District Member*)
Commissioner Smith (*County Member*)

Members Absent

Commissioner Armenta, Alternate (*County Member*)

Staff Present

Kate McKenna, AICP, Executive Officer
Dennis LeClere, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Approval of Minutes

4.a Approval of Amended Minutes of the December 5, 2005 Regular LAFCO Meeting.

Upon motion of Commissioner Gourley, seconded by Commissioner DiMaggio, the amended minutes of the December 5, 2005 meeting were unanimously approved.

4.b Approval of Minutes of the January 23, 2006 Regular LAFCO Meeting.

Upon motion of Commissioner Gourley, seconded by Commissioner DiMaggio, the minutes of the January 23, 2006 meeting were unanimously approved.

Item 5: Public Comment:

None

Item 6: Commissioner Comment:

None

Commission Caballero arrived prior to vote for Item 7 a-d.

Item 7 a - d: Consent Agenda:

Executive Officer McKenna provided staff report. Commissioner Shirrel questioned payments of rental checks twice in one month. It was later explained that the accountant was going on vacation and would not be available for the next due date therefore the check was issued early.

Upon Motion of Commissioner DiMaggio, seconded by Commissioner Costello, consent agenda items: receive check register for December 2005 and January 2006, receive status report on Municipal Service Reviews, and receive status report on anticipated future Agenda Items, were unanimously approved.

Item 8: Public Hearings

8.a Continued Consideration of the Carmel Valley Incorporation Proposal (*LAFCO File #03-10*).

Executive Officer McKenna provided report regarding status of the Carmel Valley Incorporation Proposal.

There was no public or Commissioner comments for this item

8.b Continued Consideration of a Revised Draft Municipal Services Review for North Monterey County.

Executive Officer McKenna provided report. Consultant Kim Tschantz provided brief presentation.

Chair Calcagno opened item to the floor.

Public Comment

Marc Del Piero said that he is pleased with the revisions and that he agrees with the report.

Chair Calcagno closed item to the floor.

Commissioner Comment

Commissioner McGowan thanked the consultant and the LAFCO Executive Officer for doing such a great job on the report.

Upon motion of Commissioner Perkins, seconded by Commissioner Smith, the Revised Draft Municipal Services Review for North Monterey County, was unanimously approved.

8.c Continued Consideration of a Proposal Submitted by Resolution of the Castroville Water District Board of Directors for the “Sphere of Influence Amendment of 367 ± Acres to the Castroville Water District” Transferring Wastewater Collection and Treatment and Storm water Collection and Disposal Services from County Service Area 14 to the Castroville Water District (*LAFCO File No. 05-11*).

Executive Officer McKenna announced Matthew Sundt of Golden State Planning to provide presentation.

There was no public comment for this item.

Commissioner Comment

Commissioner Shirrel commented on the clarity of the staff report and the confidence she has in the Castroville Water District to do a great job.

Upon motion of Commissioner Smith, seconded by Commissioner McGowan, Proposal Submitted by Resolution of the Castroville Water District Board of Directors for the “Sphere of Influence Amendment of 367 ± Acres to the Castroville Water District” Transferring Wastewater Collection and Treatment and Storm water Collection and Disposal Services from County Service Area 14 to the Castroville Water District (*LAFCO File No. 05-11*), was unanimously approved.

8.d Consideration of a Proposal by the City of Gonzales for an Annexation and Minor Sphere of Influence Amendment involving annexation of 267.5 acres to the City of Gonzales, detachments from the Monterey County Resource Conservation District and the Gonzales Rural Fire Protection District, and adding five acres of the 267.5 acres near the municipal wastewater treatment plant to the City’s Sphere of Influence (*LAFCO File No. 05-13*).

Executive Officer McKenna and LAFCO contract Analyst Matthew Sundt provided staff report and proposed changes to delete conditions # 4 and # 6 and to add a condition verifying the Williamson Act status of some of the parcels.

Public Comment

Hans Jongens spoke of the rise in health problems and the need to save our farmlands.

Commission Discussion

Commission discussed various issues regarding the annexation area including wastewater, the need to protect farmland, the need for smart growth, the direction of growth, agricultural buffer zones, temporary and permanent agricultural easements, and whether or not the annexation includes Williamson Act property. Rene Mendez, City Manager for the City of Gonzales, and Brian Finnegan representing the D'Arrigo property owners, answered questions and provided comments.

Chair Calcagno made a motion to place a permanent agricultural easement and permanent dedicated strip so no utilities cross the line outside of lot # 4 to prevent urban development from spreading beyond lot # 4 and south of Gloria Road. There was no second. Commissioner Caballero requested clarification of Chair Calcagno's motion. Commissioner Gourley discussed the importance of lots # 4 and # 5 for the economic well being of the City and stated that Chair Calcagno's motion to place a permanent ag buffer around lot # 4 is not appropriate for the City. Commissioner Darington then clarified the issue about development south of Gloria Road. Commissioner Darington stated that lot # 4 should have the permanent easement on the east side and when lot # 5 is proposed for annexation, at a future date, LAFCO can put the permanent ag easement on this lot thereby closing off further development south of Gloria Road. Commissioner Darington emphasized the importance of controlling urban development at Gloria Road so that it does not intrude on prime ag land south of Gloria Road. Commissioner Darington stated that the City of Gonzales would have ample development opportunity north of Gloria Road. Chair Calcagno stated that he will back off his motion and agrees with Commissioner Darington's clarification.

Commissioner Smith then seconded Chair Calcagno's motion in the context of Commissioner Darington's clarification modifying the Chair's motion. Commissioner Caballero discussed the conflict of city/county development vis-à-vis Hwy 101 strip commercial with emphasis on the Hwy 101 commercial strip north of Salinas. Commissioner Smith discussed lot # 5 and stated that lot # 5 is not part of the current annexation proposal and so a permanent ag easement is not feasible at this time, but would be feasible at time lot # 5 is proposed for annexation in the future. Chair Calcagno asked if that is the motion. Commissioner Smith stated, that is the motion. Chair Calcagno asked for a second. Commissioner Smith stated that there would be easements on lots # 1 - # 4 as part of the annexation approval and there would not be a permanent ag buffer south of lot # 4 at this time.

Commissioner Caballero understood the motion to be the recommendation by LAFCO staff to delete conditions # 4 and # 6. Executive Officer McKenna noted a need to add a condition about

Williamson Act verification. Commissioner Caballero asked Commissioner Smith if that was his motion. Commissioner Smith responded affirmatively. Commissioner Caballero then seconded the motion.

LAFCO Analyst Matthew Sundt asked for clarification that the motion included a permanent ag easement south of Gloria Road and that the motion relates to a temporary ag easement on lots # 1, # 2 and # 3 and a permanent ag easement on the east flank of lot # 4 with the intention of another permanent ag easement flanking lot # 5 when lot # 5 is proposed for annexation. Analyst Sundt clarified that a no utilities easement was also made a part of the motion. Chair Calcagno agreed that was right. Commissioner Caballero then seconded the motion to delete conditions # 4 and # 6 and stated that LAFCO is not looking at lot # 5 at this time. Analyst Sundt also clarified the Williamson Act condition.

In summary, a final motion was made by Commissioner Smith and seconded by Commissioner Caballero to approve the annexation proposal with the following changes to terms and conditions in the draft resolution: (1) to delete conditions # 4 and # 6; (2) impose a temporary agricultural easement (road) on east side of lots # 1, # 2 and # 3; (3) and (3) add a condition to verify and resolve the Williamson Act status of parcels within the annexation area, by the following vote:

AYES: Commissioners Smith, Caballero, Calcagno, DiMaggio, McGowan, and Perkins.
NOES: Commissioner Costello
ABSTAIN: None

8.e Consideration of a Draft Resolution to Reorganize Territory by Detaching a Portion of the Existing Carmel Valley Fire Protection District, Forming a New Fire Protection District for the Detached Area, Establishing a Sphere of Influence for the New District and Amending the Sphere of Influence of the Existing District; or Any Other Action that may Deemed Appropriate for the Reconsideration of This Proposal (LAFCO File No. 04-04).

Executive Officer McKenna provided report and referenced additional correspondence not included with the staff report and distributed prior to this meeting.

Chair Calcagno opened item to the floor.

Public Comment

Lloyd Lowrey, representing the petitioners for reorganization, urged Commission to adopt resolution approving reorganization and asked for changes be made to the resolution for approval. Bill Ross, representing the consolidated district, said that it would be appropriate for Commission to adopt resolution for denial of the reorganization. Charity Crane, wife of a volunteer fire fighter, spoke in favor of reorganization.

Chair Calcagno closed item to the floor.

Commissioner Action

Upon motion of Commissioner Perkins, seconded by Commissioner Smith, Draft Resolution disapproving the proposed reorganization of the Carmel Valley Fire Protection District, consisting of detachment of territory from the Carmel Valley Fire Protection District and Formation of a new fire protection district. (*LAFCO File No. 04-04*), was approved by the following vote:

AYES: Commissioners Perkins, Smith, Caballero, Calcagno, and McGowan.

NOES: Commissioner Costello and DiMaggio.

ABSTAIN: None

Item 9: New Business

9.a Consider Report from LAFCO Budget & Finance Committee.

Commissioner Darington, Chair of the Budget and Finance Committee, distributed a preliminary draft mid-year financial report and a February 27 status report from the Committee. The status report outlined the status of the mid-year work program, and highlights of the preliminary FY 2006-07 budget to be presented in March. The preliminary budget will end the practice of using unreserved funds to reduce the contributions needed to run the agency. Also, the preliminary budget will include a new staff position due to the expected workload. Courtesy notices about preliminary cost estimates will be sent to next week to the County, cities and districts.

Commissioner Smith said that he is impressed with Hayashi and Wayland's work and agrees that the LAFCO office workload could be almost twice as much for the next fiscal year.

The Committee's report was accepted as an informative item.

9.b Appoint an Evaluation Committee to Complete the Annual Evaluation of Executive Officer.

Executive Officer McKenna referred Commission to a brief memo regarding her second-year evaluation.

Chair Calcagno moved, with no objection, that the evaluation committee remain the same as it was for Ms. McKenna's first-year evaluation: Chair Calcagno, Commissioner Caballero and Commissioner Smith.

Item 10: Executive Officer's Report

None

Item 11: Correspondence

None

Item 12: Closed Session Under Government Section 54950 et.seq.

12.a Pursuant to Government Code Section 54956.9 (a) – Existing Litigation

The Commission will Confer with Legal Counsel Regarding the Following Item:

Save Our Waterfront Committee VS. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County, et al., Respondents & Defendants:

Cannery Row Marketplace, LLC, et al., Real Parties in Interest – Superior Court Case Number M78054

12.b Pursuant to Government Code Section 54956.9 (b) – Potential Litigation

The Commission will Confer with Legal Counsel Regarding One Item of Significant Exposure to Litigation:

Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*)

Chair Calcagno moved that Commission and LAFCO Counsel meet in closed session chambers to discuss items 12.a and b.

Commission reconvened in open session with no action to be reported.

Item 13: Adjournment

On motion of Chair Calcagno, there being no objection, the meeting was adjourned at 6:30 p.m. to the next regular LAFCO meeting to be held on Monday, March 27, 2006 at 4:00 p.m. in the Board of Supervisors Chamber, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk